## REMARKS

The application included claims 1-10 and 18-29 prior to entering this amendment.

Claims 1-4, 7-10, 18, 24, 25 and 27-29 are amended.

Claims 11-17 and 19 are cancelled in order to expedite prosecution, and without prejudice with regard to pursuing the claims as previously presented or in other forms in a continuation or other application.

Claims 30-38 are new. No new matter is added.

The application remains with claims 1-10, 18 and 20-38 after entering this amendment.


## Claim Rejections - 35 U.S.C. § 102

The examiner rejected claims 1, 2, 7-10 and 18-23 under 35 U.S.C. § 102(e) over Blickenstaff.

The rejection is traversed; however, claims 1, 2, 7-10 and 18 are amended to expedite prosecution, and without prejudice with regard to pursuing the claims as previously presented or in other forms in a continuation or other application. Claim 18 is amended to recite the features of previously presented claim 19, now cancelled. Therefore claim 18 is amended to recite the same features as previously examined claim 19 such that the amendment of claim 18 would not necessitate a further patent search or new grounds for rejection. Amended claim 18 recites, in part, a computer-readable medium having instructions stored thereon, wherein when the instructions are executed by at least one device, they are operable to:

> direct a request for access to a network address based on switching instructions provided in a first switch compliant file;
> redirect a future request to access said requested network address to said new network address based on switching instructions provided in said second switch compliant file;
> restore said first switch compliant file; and
> direct a further request to access said network address based on switching instructions provided in said first switch compliant file.

Blickenstaff is directed to a data storage management system that transfers low priority data files to backend data storage to provide more available storage space on the primary data storage (Abstract). A placeholder is provided in the directory of the primary data storage for those files that have been transferred to the backend data storage (col. 2, lines 31-38). According to Blickenstaff, the data is transferred to the backend data storage when the available data storage

space drops below a threshold (col. 3, lines 9-18). In other words, the low priority data is deleted from Blickenstaff's data storage management system once it is transferred to the backend data storage, otherwise the identified problem of freeing up storage space on the data storage management system would not be solved.

The Examiner did not explicitly identify the grounds for the rejection of previously presented claims 18 and 19. Claim 18 recites that the first switch compliant file comprises switching instructions. Applicants assume that the examiner intended to identify the directory listing 511 as allegedly disclosing the first switch compliant file of claim 18 (page 2, section 2 of the Office Action). The directory listing 511 includes a placeholder entry to enable the processor to locate the new address of the data file that has been moved (col. 11, lines 51).

Applicant respectfully submits that the examiner failed to indicate where Blickenstaff allegedly discloses a second switch compliant file, or where a first switch compliant file is restored. Applicant respectfully submits that even assuming, for argument's sake, that Blickenstaff discloses the second switch compliant file of claim 18, Blickenstaff fails to disclose restoring a first switch compliant file. Since the data file no longer resides on the data storage management system (having been transferred to the backend data storage), the applicants respectfully submit that Blickenstaff teaches away from such a restoration, since the data file would no longer be on the data storage management system from which to be retrieved. Rather, the directory listing 511 simply includes a placeholder identifying the location of the data file as being on the backend data storage.

Furthermore, applicants respectfully submit that Blickenstaff fails to disclose directing a further request to access said network address based on switching instructions provided in said first switch compliant file, as recited in claim 18, for similar reasons. Whereas Blickenstaff identifies that the backend data storage is used for disaster recovery (col. 2, lines 30-33) Blickenstaff is silent as to any restoration of the directory listing 511. Accordingly, applicants respectfully submit that Blickenstaff fails to disclose restoring *a first switch compliant file* and directing *a further request to access said network address based on switching instructions provided in said first switch compliant file*. Rather, any further request made to Blickenstaff's system would presumably be made to the backend data storage, since this is where that data file has been transferred.

Claim 1 recites, in part, a method comprising:

receiving a request to access data at a current network address;
analyzing said one entry to determine if said data is ready for migration to said new network address; and
when said data is ready for migration, automatically redirecting the request to access said data at said current network address to said new network address based on the analysis of said one entry in said migration file, wherein said data is retained at both said current network address and said new network address.

Since the data file previously located on the data storage management system of Blickenstaff has been transferred to the backend data storage, the data file is no longer accessible on the data storage management system. As discussed above, it would be contrary to Blickenstaff's stated purpose of freeing up available storage space (col. 1, lines 14-20 and 40-43; col. 2, lines 52-62; col. 3, lines 9-18; etc) to retain the data on both the data storage management system and the backend data storage. Accordingly, applicants respectfully submit that Blickenstaff fails to disclose *wherein said data is retained at both said current network address and said new network address*, as recited by claim 1.

As claims 2, 7-10 and 20-23 depend from claim 1 or 18, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein. For example, claim 7 recites *the method of Claim 1 wherein said new network address is associated with a first server, wherein said current network address is associated with a second server, and wherein said data is accessible from both the first and second servers*. As previously indicated, since it would be contrary to Blickenstaff's stated purpose of freeing up available storage space to retain the data on both the data storage management system and the backend data storage, it would similarly be contrary to make the data accessible from Blickenstaff's data storage management system. Accordingly, withdrawal of the rejection of claims 1, 2, 7-10, 18 and 20-23 is respectfully requested.

### Claim Rejections - 35 U.S.C. § 103

The examiner rejected claims 3-6 and 24-29 under 35 U.S.C. § 103(a) over Blickenstaff in view of Papatla *et al.* (U.S. Patent 7,379,996).

The rejection is traversed for similar reasons as provided above with respect to claims 1 and 18; however, claims 3, 4, 24, 25 and 27-29 are amended to expedite prosecution, and without

prejudice with regard to pursuing the claims as previously presented or in other forms in a continuation or other application. For example claim 24 recites, in part, a system comprising:

> means for redirecting a first request to access data at a current network address based on switching instructions provided in a first switch compliant file, wherein said first request is redirected to a first network address, wherein said first network address is different than said current network address, and wherein said data resides concurrently at both said current network address and said first network address;
> means for receiving a second request to access said data at said current network address; and
> means for automatically redirecting said second request to access said data at said current network address to said second network address based on said second switch compliant file, wherein said second network address is different than said current network address.

The examiner rejected claim 24 by making reference to Blickenstaff, with citation to Papatla being made only with respect to XML (features recited by claim 26). Blickenstaff fails to disclose *wherein said data resides concurrently at both said current network address and said first network address* as well as a *second switch compliant file*.

Papatla is an example of migration systems disclosed in Applicant's Background at pages 2-3. Specifically, Papatla describes migrating web sites from an Apache web server to IIS 6.0 (col. 3, lines 32-37). According to Papatla, during a recovery mode in which the transfer of files is disrupted, the migration resumes with the help of a temporary tasklist file that is created when the migration process begins (col. 8, lines 10-17). However, the tasklist file merely contains a record of the source and destination files previously identified for migration, such that there is no change in where the files are ultimately transferred to during migration once it resumes. Applicant respectfully submits, therefore, that Papatla is also silent as to any *second switch compliant file* or *wherein said data resides concurrently at both said current network address and said first network address* as recited by claim 24. Accordingly, Blickenstaff and Papatla, both alone and in combination, fail to disclose the features recited by claim 24.

As claims 3-6 and 25-29 depend from claim 1 or 24, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein. Accordingly, withdrawal of the rejection of claims 3-6 and 24-29 is respectfully requested.
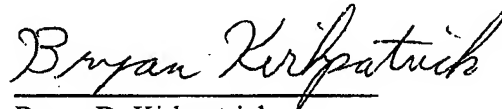
## CONCLUSION

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1-10, 18 and 20-38. The applicants amend claims in this response without prejudice or disclaimer solely to expedite allowance. The applicants explicitly reserve the right to pursue cancelled, withdrawn or amended subject matter in one or more continuation applications. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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